

April 30, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

SUNSHINE CANYON LANDFILL (ITEM NO. 111-E, AGENDA OF APRIL 30, 2002)

On April 16, 2002, your Board approved a motion instructing County departments to respond to a number of issues related to Sunshine Canyon Landfill. The motion instructions are provided below with brief responses. More detailed responses are provided in Attachment I for your review.

1. Instructed the Chief Administrative Officer (CAO), in conjunction with the Directors of Regional Planning (DRP), Health Services (DHS) and Public Works (DPW), to address the following violations and issues at the Sunshine Canyon Landfill (SCL); and report back to the Board within two weeks:

- a. An immediate analysis of the dumping practices at SCL to ensure that low-level nuclear waste was not dumped into the landfill and to ensure that landfill cover was not wrongly claimed as recyclable materials.

RESPONSE: Per DHS, there have not been any incidents of low-level nuclear waste dumped at SCL. Per DPW, landfill cover has not been claimed as recyclable materials.

- b. The immediate completion of the reimbursement agreement that addresses the inspection function at the landfill.

RESPONSE: DHS, County Counsel, and BFI are working on the reimbursement agreement and project forwarding the agreement to the Board by July 2002.

2. The dedication of East Canyon is to be completed in two weeks.

RESPONSE: Board letter filed for April 30, 2002 agenda to approve the Assignment and Assumption Agreement and the Notice of Designated Offeree.

3. Instructed the Director of DPW to report back to the Board within two weeks with regards to the need for a new traffic analysis;

RESPONSE: DPW will report back separately to your Board regarding this matter.

4. Instructed the Director of DRP to report back to the Board within two weeks regarding the need of a minimum 30 day review of all documents by the North Valley Coalition and Sunshine Canyon Advisory Committee before the County holds any public hearings;

RESPONSE: At the Board's direction, DRP will provide a 30-day review period of the initial staff analysis. DRP policy requires that environmental documentation be made available for public review at least 30 to 45 days prior to a hearing. (See Attachment II for DRP response).

5. Instructed the CAO to prepare an analysis of the billing practices at SCL to determine the fees charged to haulers from the County unincorporated areas versus the City of Los Angeles; and

RESPONSE: Data available from BFI for March 2002, (Attachment III), indicated that the City and County unincorporated areas are charged comparable fees for disposal at SCL, however, 100 percent of County unincorporated area waste is processed through a transfer station that charges an additional fee whereas 50 percent of City Bureau of Sanitation waste is processed through a transfer station incurring an additional fee.

6. Instructed the CAO, Director of DPW, Director of DRP and the County Counsel to report back to the Board within two weeks on the following:

- a. City's utilization of SCL compared to the County's utilization of the landfill.

RESPONSE: Based on 2001 data, (Attachment IV), City of Los Angeles' solid waste disposal has increased from approximately 70 percent to over 90 percent of the total tons deposited at the landfill, while the unincorporated area solid waste disposal tonnages have decreased from approximately 5 percent to 1 percent of the total tons deposited at the landfill.

- b. Identify the impact to the County if the City does not proceed with opening the City landfill.

RESPONSE: 1) Current Conditional Use Permit (CUP) allows a maximum of 16.9 million tons to be disposed at the landfill. A City/County Landfill will allow a maximum of 90 million tons to be disposed at the landfill. Therefore, the shortfall will be 73.1 million tons; 2) Based on 6a findings, County-side of landfill is largely utilized by the City; 3) County Sanitation Districts and the City have entered into a Joint Powers Agreement to develop materials recovery facilities/transfer stations. Apart from the JPA, the CSD and the City may explore a waste-by-rail system; and 4) Closure of Bradley Landfill will further impact Countywide landfill capacity.

As indicated above, detailed responses to each motion item are attached for your review and consideration. If you have any questions regarding this report you may contact me or your staff may contact Dorothea Park at (213) 974-1319.

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Attachments

- c: Executive Officer, Board of Supervisors
County Counsel
Director and Chief Medical Officer of Health Services
Director of Parks and Recreation
Director of Public Works
Planning Director of Regional Planning

Sunshine Canyon Landfill
April 16, 2002 Motion Response

- 1a. Part I: Analysis of the dumping practices at Sunshine Canyon Landfill (SCL) to ensure that low-level nuclear waste was not dumped into the landfill.

Per Health Services (DHS), SCL has implemented a Hazardous Waste Exclusion Program approved by the Local Enforcement Agency (LEA). Under this program, all loads of waste are examined as the vehicles are weighed at the scales to ensure that no hazardous, or otherwise prohibited wastes, including radioactive wastes, are disposed of in the landfill.

The Hazardous Waste Exclusion Program includes procedures for radiation detection and screening. Each scale is equipped with a radiation detection and monitoring system that is tested daily by the operator, Browning Ferris Industries (BFI), and monthly by the LEA. If the vehicle sets off the radiation detection system alarm as it is weighed at the scales, the vehicle is sent through the scales a second time. If the vehicle sets off the radiation detection system for a second time, the waste is manually tested with a radiation detection device. The LEA and DHS Radiation Management Unit is contacted for all loads that set off the radiation detection alarm. If the readings are high, the Radiation Management Unit comes to the landfill that day to inspect the vehicle and advise the operator and the LEA on the disposition of the load. If the readings are low, the vehicle is moved to a remote location and held until radiation detection readings no longer present a risk to public health and safety and the waste can be disposed of at the landfill.

The radiation detection alarm was set off 13 times during calendar year 2001 and 15 times from January through mid-April of the current year. The primary reason that the alarm is set off is due to the detection of Iodine 131 (which originates from residential users that do not dispose of their medicine appropriately as thyroid patients), with fewer incidences of gallium, thallium, cesium, and technetium, which are all isotopes typically utilized in nuclear medical treatment. At no time has the alarm been set off due to low-level nuclear waste dumped at the landfill.

Part II: Analysis of the dumping practices at SCL to ensure that landfill cover was not wrongly claimed as recyclable materials.

Per Public Works (DPW), which is the responsible agency for enforcement and administration of the State-mandated Disposal Reporting System (DRS) in Los Angeles County, BFI received approximately 1,738,000 tons at the SCL for

disposal and beneficial uses in calendar year 2001. Of this amount, approximately 102,000 tons were salvaged for reuse/separated for beneficial purposes at the site. There is no reported use of alternative materials for daily cover, such as construction and demolition waste, and green waste materials.

However, for many years, it has been the County's policy to support giving diversion credit for the use of green waste as landfill alternative daily cover. In 1996, with the support of the Board of Supervisors, the State Legislature enacted AB 1647 (Bustamante), which provided that green waste, used as alternative daily cover, constitutes diversion through recycling. The overwhelming majority of the cities in Los Angeles County, as well as the County unincorporated areas, rely on this diversion credit to meet AB 939 waste diversion mandates.

Consistent with this longstanding Board policy, under the SCL Conditional Use Permit (CUP), approved by the Board on November 22, 1993, Condition 10(j), requires BFI to utilize waste materials received and processed at the landfill, such as shredded green waste, as a supplement to daily, intermediate and final cover. Additionally, the Waste Plan Conformance Agreement, Item 2(d), approved by the Board on June 25, 1996, also encourages BFI to utilize green waste materials as a supplement to daily, intermediate and final cover.

- 1b. The immediate completion of the reimbursement agreement that addresses the inspection function at the landfill.

This item has three parts:

1. DHS has identified the need to amend the existing reimbursement agreement between the County and BFI that addresses BFI's obligation under the CUP to reimburse the County for inspection activities to monitor conditions of the CUP. Specifically, the reimbursement rates in the current agreement are obsolete and must be updated. Therefore, the reimbursement agreement should be amended to fully reimburse the County for DHS' CUP related inspection activities.
2. Under the existing reimbursement agreement, BFI argues that it is entitled to a "credit" against the statutory fees to reimburse DHS for its LEA activities. BFI's position, however, does not conform to DHS' statutory rights to reimbursement as regulator of BFI's Solid Waste Facilities Permit under the Public Resources Code. The new reimbursement agreement will specify that BFI's responsibility to pay the LEA fees is separate and apart from reimbursement for DHS' CUP inspection activities.

3. The County is seeking to eliminate from the reimbursement agreement provisions that require the County to indemnify BFI for any liability, including indemnity relating to any alleged violations by County inspectors of BFI's internal rules.

DHS, County Counsel and BFI are working to forward the agreement to the Board by July 2002.

2. The completion of the dedication of East Canyon within two weeks.

The Board letter recommending adoption of the Assignment and Assumption Agreement and the Notice of Designated Offeree is before your Board for consideration on the April 30, 2002 agenda. If approved by your Board, all documents will be recorded within 60 days, at which time the Mountains Recreation and Conservation Authority (MRCA), will assume the assignment of East Canyon for public open space purposes.

3. Director of DPW to report back to the Board regarding the need for a new traffic analysis.

Director of DPW will report back to the Board under separate cover regarding this matter.

4. Director of DRP to report back to the Board regarding the need to provide a minimum 30 day review of all documents by the North Valley Coalition and Sunshine Canyon Advisory Committee before the County holds any public hearings.

Refer to Attachment II for the detailed response from the Director of DRP.

5. Instructed the CAO to prepare an analysis of the billing practices at SCL to determine the fees charged to haulers from the County unincorporated areas versus the City of Los Angeles.

BFI provided the CAO with average per ton disposal rates for the month of March 2002. The disposal rate per ton for the City of Los Angeles, Bureau of Sanitation is \$20.09, including local and State regulated fees and taxes. The above quoted rate for the City of Los Angeles is the same for City direct haul or City transfer station refuse. City of Los Angeles average commercial disposal rate per ton is \$20.45, including local and State regulated fees and taxes. The County unincorporated area average per ton disposal rate is \$19.70, including local and State regulated fees and taxes (Attachment III).

Per BFI, nearly 100 percent of the unincorporated area waste disposed of at SCL originates from transfer stations, resulting in a lower rate at SCL; whereas approximately 50 percent of the City Bureau of Sanitation waste disposed of at SCL originates from transfer stations. Additional disposal fees are paid by County unincorporated area haulers and the City Bureau of Sanitation Bureau to the transfer station.

Given the time constraints of the motion, BFI could only provide one month of data.

6a. City's utilization of SCL compared to the County's utilization of the landfill.

The CAO utilized the Los Angeles County Solid Waste Disposal Quantity Reporting Summary for calendar year 2001, prepared by DPW, which identifies the total solid waste disposed by all jurisdictions in Los Angeles County at SCL, to compile the following information (Attachment IV):

- Although SCL is a regional County landfill, there has been a significant increased utilization of the capacity of the landfill by the City of Los Angeles.
- The City's increased tonnage at the landfill is a result of an agreement between the City and BFI that became effective on July 1, 2001 that guaranteed the operator an increased disposal tonnage from the City. This agreement was beneficial to the City due to the fact that Bradley Landfill is approaching its capacity limitation.
- In the first and second quarters of 2001, the City of Los Angeles solid waste disposal represented approximately 70% and 65%, respectively, of the total tons disposed at the landfill, increasing to 87% in the third quarter, when the new agreement became effective, and to over 90% by the fourth quarter of the calendar year.
- Between the first half of the year and the second half of the year, the City disposal increased 100,000 tons per quarter from an average of 270,000 tons per quarter to 370,000 tons per quarter.
- The City of Los Angeles, which represents approximately 39% of the County's population, is utilizing 90 percent of the County's landfill capacity.
- Conversely, the unincorporated area of Los Angeles County, representing slightly over 10 percent of the County's population, has experienced a decreased utilization of SCL capacity.

- The County unincorporated area represented about 4.5 percent of the total tons disposed at the landfill in the first and second quarters of the 2001 calendar year, decreasing to less than 1% in the third quarter and slightly over 1 percent in the fourth quarter of the same calendar year.
- The tonnage disposed at the landfill by the unincorporated area has decreased from an average of 18,000 tons per quarter in the first half of the calendar year to slightly over 4,000 tons per quarter in the second half of the calendar year.

6b. Identify the impact to the County if the City does not proceed with opening the City landfill.

The current CUP for the County-side of the landfill is not dependent on the City landfill opening. The CUP provides for operation of the County-side of the landfill both with or without the landfill extending into the City's jurisdiction. If the City landfill does not open, the CUP will terminate when the landfill has reached its capacity of 16.9 million tons in the unincorporated area. DPW anticipates that the County-side will reach this capacity within the next eight years. If the City landfill opens, the capacity of the City-side is estimated at 55 million tons and the proposed County CUP provides that the capacity on the County-side will increase by an additional 18.0 million tons for a total of 34.9 million tons.

Therefore, a County-only landfill of 16.9 million tons would increase to a capacity of nearly 90 million tons if both the City and County sides of the landfill were to become operational. Otherwise, there will be a net loss of 73.1 million tons of landfill capacity if the City does not proceed with the City/County Landfill Project

Based on the analysis in 6a, the City/BFI agreement, regarding use of the currently operating County landfill, does have significant impacts because the 16.9 million ton permitted capacity of the County-side will be largely utilized by the City of Los Angeles with minimal capacity available to other cities within the County and the unincorporated area. Specifically, the agreement between BFI and the City reserves landfill capacity on a daily basis to meet the needs of the City Bureau of Sanitation. Therefore, in order to meet its contractual obligations, the operator may not be able to accept waste from non-City customers, resulting in wasted trips for haulers that must travel to more distant landfills to dispose of their solid waste. The closure of Bradley Landfill will further impact SCL and Countywide landfill capacity.

DPW has indicated that recently the County Sanitation Districts (CSD) of Los Angeles County and the City have entered into a Joint Powers Agreement (JPA) which will involve developing a number of materials recovery facilities/transfer

stations. The CSD would be responsible for operation of these facilities. Apart from the JPA, the CSD and the City may explore the potential use of a waste-by-rail system. These efforts may provide the City with another avenue to dispose of their waste should the City determine not to proceed with opening the City-side of SCL.

**Sunshine Canyon Landfill
Synopsis from
Los Angeles County Solid Waste Disposal Quantity Reporting Summary
2001 Calendar Year, by Quarter, in Tons**

Jurisdiction	Population	% of Pop. in County	2001							
			1 st Quarter	1 st Quarter %	2 nd Quarter	2 nd Quarter %	3 rd Quarter	3 rd Quarter %	4 th Quarter	4 th Quarter %
<i>City of Los Angeles</i>	3,802,700	38.94%	260,655	69.75%	278,154	64.84%	373,897	87.43%	365,874	90.37%
<i>County Unincorporated Area</i>	988,000	10.12%	16,688	4.47%	19,108	4.45%	3,624	0.85%	4,581	1.13%

Sunshine Canyon Landfill Tonnage Analysis¹

Prepared by Browning-Feris Industries

Presented below is a spreadsheet detailing volumes and pricing for waste coming into Sunshine Canyon Landfill. The information describes where the waste originated, how the waste is delivered to the site, tons of waste received by category on a monthly and daily basis, the monthly revenue associated with each category, and the average revenue per ton. As seen below, virtually all waste brought to the site is by commercial haulers with a very few tons on a daily basis from cash or public customers.

Pricing for our customers is based upon a few considerations:

- 1) Volume commitment on a monthly or daily basis
- 2) Delivered volume
- 3) Credit history

The average tipping fee for all of our customers is \$20.55. The \$45.78 per ton fee for cash customers is slightly higher than the \$39.00 gate rate due to per load and hard to handle or bulky item charges.

Category	Tons	Revenue	Average Rev/Ton	Tons Per Day ²
Bureau of Sanitation - City Direct Haul	36,048.37	724,211.90	20.09 ³	1,590.84
Bureau of Sanitation - City Transfer	34,207.92	687,229.45	20.09 ³	1,509.62
City of LA - Commercial	60,450.96	1,263,011.53	20.89	2,667.74
L.A. County, non City of LA	16,224.84	331,782.98	20.45	716.01
L.A. County - Unincorporated	1,193.48	23,508.65	19.70	52.67
Cash / Public ⁴	593.43	27,169.14	45.78	26.19
Totals	148,719.00	3,056,913.65	20.55	6,563.06

¹ Preliminary Origin data for the month of March, 2002

² Maximum Daily Tonnage is 6600

³ Increases to \$22.73 per ton effective 7/01/02

⁴ Due to the location of Sunshine Canyon, these tons are likely from the City of Los Angeles

ndfill. The
ed by
rate per ton.
basis coming

htly higher

%
24.24%
23.00%
40.65%
10.91%
0.80%
0.40%
100.00%